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## **Sec. 32-104. Short-term rental (STR) regulations.**

(a) *Purpose and intent.*

- (1) The purpose and intent of this section is to regulate short-term rentals (STRs). STRs are common in America today, including in the town. However, given that they are commercial uses which must co-exist with residential uses, and often in neighborhoods not designed for commercial activity, limits and regulations are needed. This article is intended to provide the requirements to allow these certain limited commercial uses in town zoning districts containing residential uses per article III.
- (2) The regulations for short-term rentals are designed to accommodate an STR owner's and operator's limited commercial use in a way that is safe for the guest, meets town requirements, does not change the character of the town, and fits in with the districts in which STRs operate.
- (3) This Section is intended to work in tandem with the town's business license requirements as contained in the Town Code, as a measure for the town to monitor the number of STRs and enforce regulations.
- (4) Owners and operators are allowed a one-year grace period, from the date Zoning Ordinance No. 20241121 is adopted, to come into compliance, and pay the zoning permit fee. However, this grace period is not intended to limit or change existing rules, regulations, or fees, including but not limited to requirements to obtain a business license, pay taxes, and comply with the building code.

(b) *Permitting requirements.*

- (1) A short-term rental unit shall not be operated until an annual business license is issued in accordance with Town Code chapter 18, article II by the finance department.
- (2) A short-term rental unit shall not be operated until a short-term rental (STR) zoning permit is issued by the planning department. The application for a zoning permit will require, as a minimum, the following:
  - a. Name of owner and operator of the short-term rental property.
  - b. Address of the short-term rental property.
  - c. Town business license number.
  - d. For operators that are a lessee or sublessee, an attestation that the property owner has granted permission for use of such property as a short-term rental.
  - e. Contact information for all owner(s), operator(s), and property management companies (if applicable), to include: names, telephone numbers, mailing addresses, and e-mail addresses. If ownership is via partnership or corporation, a list of all partners, officers, and shareholders (as appropriate) must be provided with the same contact information.
  - f. Contact information for the 24 hours/seven days a week contact who is the responsible party to address immediate concerns associated with a short-term rental, and who has the authority to act as the owner's and operator's agent.
  - g. If the property is governed by a homeowners' or condominium association, proof that authorization to operate the short-term rental was provided by the homeowners' or condominium association.
  - h. Certification that town prepared STR training information has been reviewed annually.
  - i. Certification that adjacent property owners have been notified that an application for a STR zoning permit has been submitted.

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- (3) Short-term rental zoning permits will be valid for one year and may be renewed each subsequent year, if there were no permit violations, and upon approval of the associated annual business license and re-inspection.
  - (4) Any change to information on the (STR) zoning permit application will require notification to the planning department within ten business days.
  - (5) Any change in ownership of the property or short-term rental owner or operator will require a new application for the business license, short-term rental zoning permit, and inspection within 20 business days.
  - (6) An owner (which includes, but is not limited to, corporations or partnerships, and entities or individuals that are stockholders, members or partners in corporations, companies, or partnerships) may only operate up to five short-term rental units within the entire town.
  - (7) An operator is not prohibited from offering a property as a short-term rental solely on the basis that such operator is a lessee or sublessee, provided that the property owner has granted permission for such property's use as a short-term rental. However, a lessee or sublessee is limited to one short-term rental within the town. An operator will be required to meet any subleasing requirements, if any, from any applicable homeowner's or condominium association.

(c) *Additional requirements.*

- (1) Every short-term rental is required to submit transient occupancy tax (TOT) in accordance with Town Code chapter 18, article V.
- (2) Short-term rentals are only permitted in those districts as specified in article III.
- (3) Simultaneous short-term rentals under separate contracts in the same dwelling are prohibited.
- (4) Commercial gatherings providing direct or indirect compensation, including but not limited to luncheons, banquets, parties, weddings, charitable fund-raising, commercial or advertising activities, or other similar occurrences are prohibited.
- (5) Occupancy: There shall be no more than two lodgers per bedroom, plus two; with the maximum number of overnight lodgers per dwelling being no greater than ten. Occupancy shall not exceed any limit set by the Virginia Uniform Statewide Building Code (VA USBC) or local building official. This shall be identified as the Base Occupancy for STRs (BOSTR). For the purpose of the BOSTR, an occupant shall not include any person two years of age or under.

Occupancy of greater than above may be approved, provided the property can accommodate sufficient off-street parking consisting of one spot for every two additional lodgers over the base occupancy for STRs (BOSTR), the property meets any other life safety requirements as may be reasonably required for such higher occupancy, and the property will not exceed the VA USBC or local building code official limitations.

The town retains the right to investigate violations and complaints of permit violations, and to periodically contact STR lodgers to determine occupancy. If town investigators determine that a violation has occurred, notice of such violation will be provided to the STR zoning permit holder or agent who will be responsible to cure the violation.

- (6) The business license and emergency information must be conspicuously posted inside each rental, including the 24/7 contact information for the STR responsible party.
- (7) Signage is to comply with article V, section 32-120.
- (8) Refuse requirements: one- and two-bedroom dwelling units used as short-term rental units will require one trash receptacle; three or more-bedroom units will require two receptacles; five or more

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bedrooms will require three receptacles. Owners and operators are required to maintain the receptacles so that they do not overflow.

- (9) Lodgers and their guests will be required to observe noise requirements contained in Town Code chapter 20, article I, section 20-3.
- (10) Safety equipment: Operable smoke detectors, fire extinguishers, and carbon monoxide detectors shall be present in compliance with the Virginia Uniform Statewide Building Code.
- (11) Under no circumstances shall the issuance of a certificate of zoning compliance (permit for short-term rental) by the administrator (town) be construed as abrogating, nullifying or invalidating any other provision of federal, state or local law: any deed covenant or property right; or any homeowners' or condominium association bylaw, or rule.

(d) *Inspections.*

- (1) An initial inspection will be required for all short-term rentals in accordance with Town Code chapter 8, section 8-4.
- (2) An annual re-inspection by the code official or designee is required when filing for a short-term rental business license renewal.
- (3) The building code official or designee maintains the right to inspect a short-term rental, based on complaints or reasonable suspicion, to verify that the rental is being operated in accordance with the Virginia Uniform Statewide Building Code, the permit, and other applicable laws and regulations.

(e) *Violations.*

- (1) A short-term rental (STR) zoning permit may be denied for any of the following violations:
  - a. Failure to obtain/maintain a town business license.
  - b. Failure to pay all town real property taxes.
  - c. Failure to pay all business taxes from the prior year.
  - d. Failure to file and pay (if applicable) payment of transient occupancy taxes due the town for the previous three months or more.
  - e. Falsifying town forms or applications.
  - f. Other applicable town zoning violations.
  - g. Failure to provide responsive actions to issues raised to the 24/7 contacts, as determined through town investigations.
  - h. Two violations of safety/building code requirements within the same calendar year, that are not cured following reasonable notice.
  - i. Two violations of occupancy limits within the same calendar year, that are not cured following reasonable notice.

Reasonable notice is satisfied when an authorized town official notifies the zoning permit holder or agent of a condition violating requirements of this section, and 24 hours pass without resolution of the violation.

Note: individual nuisance or noise violations will be issued directly to the offending party in addition to any consequence to the zoning permit holder.

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Violations may be investigated by the town manager, treasurer, zoning administrator, building code official, police chief or their designees as appropriate. Once investigated, violations pursuant to this section will be issued by the zoning administrator.

- (2) An owner or operator, whose short-term rental (STR) zoning permit has been denied pursuant to this section, shall not be eligible to obtain another STR zoning permit for the subject short-term rental for the entire succeeding calendar year. Thereafter, the owner or operator will be required to apply for a new business license, STR zoning permit, and an inspection.
- (3) Before the denial of short-term rental (STR) zoning permits is made effective, the town shall give written notice to the short-term rental owner or operator as noted on the STR zoning permit. The notice of permit denial under the provisions of the section shall contain:
  - a. A description of the violations constituting the basis of the denial, suspension or revocation;
  - b. If applicable, a statement of acts necessary to correct the violation(s); and
  - c. A statement that the owner may have a right to appeal the notice of a permit denial within 30 days in accordance with the Code of Virginia § 15.2-2311(A) and that the decision of permit denial shall be final and unappealable if not appealed within 30 days.

(Ord. No. 20241219A, 12-19-2024)

## **APPENDIX A – DEFINITIONS**

**Short-term rental** means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. This does not include a hotel, motel, or bed and breakfast.

**Bedroom** is a room or space within a structure intended for sleeping. Requirements include:

- (1) A minimum size of 70 square feet; if more than one person occupies the room, there must be 50 square feet per occupant.
- (2) Access to a bathroom without crossing another bedroom.
- (3) Every bedroom must have access to natural ventilation and have a permanent heat source.
- (4) Two means of egress: one that leads to the rest of the home without going through another bedroom and one that leads directly to the outside. If the outside egress is a window, it must be at least five point seven square feet (5.7 SF) and can be no more than 44 inches from the room floor, unless there is a permanent step installed. It shall be illegal to have locking bars or grates covering an egress window.
- (5) Ceiling height must be no less than seven feet.